

# **PROPOSED CLARIFICATIONS TO EXISTING REGULATIONS REDUCING EMISSIONS OF TOXIC AIR POLLUTANTS**

## **FACT SHEET**

### **TODAY'S ACTION**

- The Environmental Protection Agency (EPA) is proposing to amend a series of its regulations that control toxic air pollutant emissions. Toxic air pollution, or air toxics, are pollutants which are known or suspected of causing cancer or other serious health effects.
- Today's proposal would revise regulations that EPA has issued to set national standards for emissions of toxic air pollutants from industrial sources. This proposed amendment would clarify which discretionary authorities contained in each regulation can be delegated to state, local, and tribal air pollution control agencies (S/L/Ts).
- Discretionary authorities are certain regulatory requirements, such as when to submit compliance reports or approval of minor monitoring changes. Under the Clean Air Act, the approval of some of these authorities can be delegated to S/L/Ts. For example, when an industry seeks to change their schedule for submitting compliance reports, the S/L/Ts can either approve or disapprove their request. Other emission standard requirements, such as approving alternative emission standards, cannot be delegated.
- EPA is proposing this rule to make the all national air toxics' emission standard delegation provisions (sections of the regulation spelling out discretionary authorities that can be delegated) consistent with the recently promulgated (recent standards already have corrected delegation provisions) emission standards and EPA's "general provisions." See the Attachment for a list of the standards being revised in this proposed rulemaking. The general provisions (1) are requirements and authorities that are common to each emission standard and (2) provide regulatory language for EPA to use, such as general air pollution monitoring requirements, that are common to a variety of emission standards.
- EPA developed today's proposed rule in response to S/L/T concerns regarding the uncertainty of delegated national emission standard authorities. Specifically, who has the authority to approve or disapprove source-specific alternatives to emission standard requirements.
- Today's proposal would either add an implementation and delegation paragraph to or modify the existing implementation and delegation paragraph contained in each emission standard.
- EPA is accepting public comment on the delegation provisions (not any other provisions) of each national emission standard for 30 days after this proposal is published in the *Federal Register*. EPA expects to finalize this rule within one year after proposal.

## **BACKGROUND**

- Under the Clean Air Act , EPA is required to regulate emissions of 188 listed toxic air pollutants. On July 16, 1992, EPA published a list of industrial source categories that emit one or more of these air toxics. For listed categories of "major" sources (those that emit 10 tons annually or more of a listed pollutant or 25 tons or more of a combination of pollutants), the Act requires EPA to develop national emission standards requiring the specified industrial source category to apply stringent air pollution reduction measures known as maximum achievable control technology.
- Since the Clean Air Act Amendments of 1990, EPA has promulgated approximately half of the national emission standards. The Agency expects to have the remaining emission standards promulgated by 2002. The newer emission standards will have updated delegation provisions and will not require the of revisions included in today's rulemaking.

## **PROPOSED RULE REQUIREMENTS**

- In some cases, a specific facility would like to use a alternate approach, to monitor emissions or to demonstrate compliance (discretionary authorities), than what is required in the applicable national emission standard. The source would need to contact either the EPA or the S/L/T to determine whether their alternative approach is acceptable. Currently, it is not clear in each national emission standard who has the authority to approve or disapprove these kind of alternatives.
- A specific example of a discretionary authority that can be delegated is “notification of initial compliance status” which requires a source to submit a report discussing whether it is complying with all the requirements of the national emission standard for Primary Aluminum Reduction Plants. A source may request to submit this information in their operating permit application rather than a separate report known as an initial compliance status notification. The appropriate S/L/T would have the authority to either approve or disapprove this request. This rule clarifies which authorities can be delegated to S/L/Ts and which are retained by EPA.
- In order to receive EPA approval to exercise these discretionary authorities, the S/L/Ts would have to seek delegation of each national emission standard through the delegation process defined by the Clean Air Act.

## **BENEFITS AND COST**

- Today's proposed amendments to each national emission standard would ensure that required air toxic emission reductions will still occur, while providing state, local, and tribal air pollution control agencies with greater flexibility and without additional cost or process. This proposal would give S/L/Ts more clarity on the kinds of discretionary authorities they can exercise. This, in turn, would enable them to administer their air toxics' programs more efficiently.
- The proposed amendments would also benefit industry in several ways. For example, once promulgated, this rulemaking will clarify which agency (S/L/Ts or federal) they need to contact when seeking approval of alternative requirements. In cases where these alternatives to national emission standard requirements are not approved, facilities should be able to correct their requests more quickly.

### **FOR FURTHER INFORMATION**

- Interested parties can download the proposal from EPA's web site on the Internet under "recent actions" at the following address: <http://www.epa.gov/ttn/oarpg>. For further information about the proposal, contact Tom Driscoll of EPA's Office of Air Quality Planning and Standards at (919) 541-5135.
- EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on the air pollution programs including air toxics issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.

Attachment  
Standards Affected by this Rulemaking

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| Subpart F | National Emission Standards for Organic Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry  |
| Subpart G | National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater |
| Subpart H | National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks  |
| Subpart I | National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks   |
| Subpart L | National Emission Standards for Coke Oven Batteries   |
| Subpart M | National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities   |
| Subpart N | National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks  |
| Subpart O | Ethylene Oxide Emissions Standards for Sterilization Facilities   |
| Subpart Q | National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers  |
| Subpart R | National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)   |
| Subpart S | National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry   |
| Subpart T | National Emission Standards for Halogenated Solvent Cleaning  |
| Subpart U | National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins  |
| Subpart W | National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production  |

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| Subpart X   | National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting                   |
| Subpart Y   | National Emission Standards for Marine Tank Vessel Loading Operations                                   |
| Subpart AA  | National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants      |
| Subpart BB  | National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants   |
| Subpart CC  | National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries                      |
| Subpart DD  | National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations    |
| Subpart EE  | National Emission Standards for Magnetic Tape Manufacturing Operations                                  |
| Subpart GG  | National Emission Standards for Aerospace Manufacturing and Rework Facilities                           |
| Subpart HH  | National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities |
| Subpart II  | National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)                          |
| Subpart JJ  | National Emission Standards for Wood Furniture Manufacturing Operations                                 |
| Subpart KK  | National Emission Standards for the Printing and Publishing Industry                                    |
| Subpart LL  | National Emission Standards for Hazardous Air Pollutants from Primary Aluminum Reduction Plants         |
| Subpart OO  | National Emission Standards for Tanks- Level 1  |
| Subpart PP  | National Emission Standards for Containers  |
| Subpart QQ  | National Emission Standards for Surface Impoundments  |
| Subpart RR  | National Emission Standards for Individual Drain Systems  |
| Subpart VV  | National Emission Standards for Oil-Water Separators and Organic-Water Separators                       |
| Subpart CCC | National Emission Standards for Hazardous Air Pollutants from Steel Pickling-HCl                        |

## Process Facilities and Hydrochloric Acid Regeneration Plants

- Subpart DDD National Emission Standards for Hazardous Air Pollutants from Mineral Wool Production
- Subpart EEE National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
- Subpart GGG National Emission Standards for Pharmaceuticals Production
- Subpart HHH National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities
- Subpart III National Emission Standards for Hazardous Air Pollutants from Flexible Polyurethane Foam Production
- Subpart JJJ National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
- Subpart LLL National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry
- Subpart MMM National Emission Standards for Hazardous Air Pollutants from Pesticide Active Ingredient Production
- Subpart NNN National Emission Standards for Hazardous Air Pollutants from Wool Fiberglass Manufacturing
- Subpart OOO National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
- Subpart PPP National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production
- Subpart RRR National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
- Subpart TTT National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
- Subpart VVV National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (POTW)

Subpart XXX National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production:  
Ferromanganese and Silicomanganese